

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
SOUTH BEND DIVISION

DEBORAH L. CRAWLEY,

Plaintiff,

v.

LISA GIRTON,

Defendant.

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No. 3:04 CV 626

ORDER

Plaintiff Deborah Crawley filed this action on September 22, 2004, in the Southern District of Indiana. (Compl., docket # 1.) On October 1, 2004, the case was transferred to this district. (Docket # 6.) Plaintiff has not yet served defendant Lisa Girton with a summons and complaint as required by FED. R. CIV. P. 4.

On August 12, 2005, Magistrate Judge Nuechterlein ordered plaintiff to serve defendant with a summons and complaint in accordance with RULE 4 by September 30, 2005. (Order, docket # 8.) Plaintiff did not file anything indicating that service was effectuated. On October 6, 2005, Magistrate Judge Nuechterlein issued a written report and recommendation that plaintiff's case be dismissed without prejudice pursuant to FED. R. CIV. P. 4(m) for failure to effectuate service. (Order, docket # 9.) In that order, Magistrate Judge Nuechterlein gave plaintiff notice that she had ten days to file specific, written objections to the report and recommendation, and that failure to file objections within the specified time would result in waiver of the right to appeal the district court's order. Plaintiff has filed no objections.

Therefore, the court hereby accepts and adopts Magistrate Judge Nuechterlein's report and recommendation (docket # 9) and orders that plaintiff's case is **DISMISSED WITHOUT PREJUDICE** pursuant to FED. R. CIV. P. 4(m) for failure to effectuate service.

SO ORDERED.

Enter: October 24, 2005

s/James T. Moody
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT